

# **NUCLEAR WASTE DISPOSAL**

## **RESPONSIBLE PROGRAM MANAGER**

Dr. Margaret S.Y. Chu  
Director  
Office of Civilian Radioactive Waste Management

## **DESCRIPTION OF PROBLEM**

In the past, the Department reported that its schedule for acceptance of spent nuclear fuel and defense-related high-level radioactive waste had experienced delays resulting from funding shortfalls, past litigation, and scientific studies of a scope not envisioned when the Nuclear Waste Policy Act was initially passed in 1982 and amended in 1987. These delays were encountered at the Yucca Mountain site where the Department was performing comprehensive scientific tests to determine the suitability of the site for construction of a repository for the disposal of spent nuclear fuel and high-level radioactive waste.

The characterization of the Yucca Mountain site has since been completed. On February 14, 2002, the Secretary of Energy recommended the site to the President for development of a nuclear waste repository. On February 15, 2002, the President recommended the site to the Congress. On May 8 and July 9, 2002, the House of Representatives and the Senate, respectively, passed a resolution approving the siting of the repository. Finally, on July 23, 2002, the President signed into law the Congressional Joint Resolution designating Yucca Mountain as the site for the Nation's first repository. At that point, implementation of the Program entered a new phase.

The Nuclear Waste Policy Act of 1982 created the Nuclear Waste Fund in the Department of Treasury and established a fee on nuclear power generation to be paid into it by owners and generators of spent nuclear fuel and high-level radioactive waste, to cover the cost of the Civilian Radioactive Waste Management Program. In the intervening years, several budget control measures have been enacted by the Congress that have had the effect of preventing the Nuclear Waste Fund from being available to the Office of Civilian Radioactive Waste Management (OCRWM) for its intended purpose. As a result of reduced appropriations, OCRWM has experienced a cumulative funding shortfall of \$712 million for the eight-year period of 1995 to 2003. This funding shortfall has been a major factor in the need for the Department to reschedule and reprioritize Program activities while maintaining the December 2004 milestone for license application submittal. OCRWM's replanning effort will result in a revised cost and schedule baseline.

**DOE Management Control Program  
Final December 2003**

Implementing the repository licensing and construction phases and taking the necessary steps to develop a national transportation capability, will require substantial increases in funding if waste acceptance at Yucca Mountain is to begin, as scheduled, in 2010. However, such funding is not likely to be provided through the existing budget process and the success of the Program is dependent on the establishment of a mechanism to assure the necessary funding is available. The President's FY 2004 budget request contained a proposal to adjust the discretionary caps to provide adequate funding for developing the Yucca Mountain repository and transportation infrastructure. The proposal would have been part of a reauthorization of the Budget Enforcement Act. Congress did not take up the Budget Enforcement Act reauthorization legislation, but a bill to provide access to Nuclear Waste Fund receipts and investment income has been introduced (H.R. 3429).

## **PRIOR YEAR ACCOMPLISHMENTS**

The FY 2001 Energy and Water Development Appropriations Act directed OCRWM to update its 1984 report on Alternative Means of Financing and Managing the Program. The updated report, which identified a number of near- and long-term options for ensuring that sufficient funding is available for the Program, was submitted to the Congress in August 2001. As part of the FY 2003 passback, the Office of Management and Budget (OMB) directed the Department to submit a draft Capital Asset Management Plan outlining OCRWM's proposed funding profiles through the construction phase of the Program and a proposed funding strategy, consistent with the concepts described in the Alternative Means of Financing and Managing the Program report. Program officials have participated in discussions with OMB on the findings of the updated report on Alternative Means of Financing and Managing the Program and the draft Capital Asset Management Plan, which was submitted to OMB in early September 2002. The latter includes a funding strategy designed to ensure that useful segments of that plan are fully funded. Also, in its FY 2003 Budget Request, OCRWM identified the need to gain greater access to the Nuclear Waste Fund as a priority.

The FY 2004 OMB Passback provided further direction to the Department regarding the Capital Asset Plan and included a new timetable for its completion. OMB directed DOE to revise the draft Plan over the coming year. OCRWM provided OMB, on March 4, 2003, a detailed plan for updating the draft Capital Asset Management Plan, provided a redraft in July 2003, and will provide a final draft Plan with the Department's FY 2005 Budget Request.

A cap adjustment was proposed in the FY 2004 President's Budget Request through a reauthorization of the Budget Enforcement Act, but failed to garner congressional support. With the Capital Asset Management Plan in place, and alternative financing legislation enacted to ensure access to the necessary funding, this action plan should be closed in FY 2004 and OCRWM should be able to achieve its mandated mission. If the legislation is not

**DOE Management Control Program  
Final December 2003**

authorized by Congress in FY 2004, then the OCRWM funding needs would be uncertain and will require other policy decisions and actions. H.R. 3429 was introduced to permit greater access of the Program to Nuclear Waste Fund resources.

	Projected Completion Date			
<b>PLANNED CRITICAL MILESTONES</b>	<b>Previously Reported Date</b>	<b>Current Completion Date</b>	<b>Responsible Office</b>	<b>Responsible Individual</b>
Submit Final Draft Capital Asset Plan to OMB	06/03	11/03	RW	Margaret S.Y. Chu
Issue Revised Program Cost and Schedule Baseline	01/03	11/03	RW	Margaret S.Y. Chu

## **PROGRESS STATUS**

Work is progressing on the redrafting of the Capital Asset Plan, which will include a funding strategy designed to ensure that useful segments of that plan are fully funded.

A 22 percent cut in OCRWM's FY 2003 funding required replanning OCRWM's entire work effort and resulted in a delay in the issuance of OCRWM's Program Cost and Schedule Baseline. The baseline has been developed and is undergoing review and processing.

## **PROPOSED CLOSURE DATE**

A cap adjustment was proposed in the FY 2004 President's Budget Request through a reauthorization of the Budget Enforcement Act but failed to garner congressional support. With the Capital Asset Management Plan in place, and alternative financing legislation enacted to ensure access to the necessary funding, this action plan should be resolved closed in FY 2004 and OCRWM should be able to achieve its mandated mission. If legislation is not authorized by Congress in FY 2004, then the OCRWM funding needs would be uncertain and will require other policy decisions and actions. H.R. 3429 was introduced to permit greater access of the Program to Nuclear Waste Fund resources.